

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>MARY LOU PETT, KATHLEEN FICK- GEE, DIANE BRYCE, PATTI DELVALLE, MICHELLE HOLCOMB, KIM READUS, ALICE REESE, ERIKA VAN ALLER, and LINDA WHITE, individually and on behalf of all others similarly situated,</p> <p>Plaintiffs,</p> <p>v.</p> <p>PUBLISHERS CLEARING HOUSE, INC.,</p> <p>Defendant.</p>	<p>Case No. 2:22-cv-11389-DPH-EAS</p> <p>Hon. Denise Page Hood</p> <p>Mag. Elizabeth A. Stafford</p>
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**PLAINTIFFS' MOTION FOR LEAVE TO FILE  
REPLY IN SUPPORT OF PLAINTIFFS'  
MOTION FOR RECONSIDERATION (ECF No. 47)**

Plaintiffs, individually and on behalf of all others similarly situated, file this Motion for Leave to File Reply in Support of Plaintiffs' Motion for Reconsideration (ECF No. 47):

1. On May 23, 2023, the Court granted Defendant's Motion to Dismiss<sup>1</sup> in part, granting it with respect to disclosures of Private Purchase Information to any third-parties not specifically identified in the Second Amended Complaint (finding such disclosures "speculative"), denying the Motion in part with respect to disclosures of Private Purchase Information to NextMark, Inc. and List Services Corp., and ordering that "any discovery shall be limited to only the named Plaintiffs." Order, ECF No. 44, PageID.3393-94.

2. On June 9, 2023, Plaintiffs filed their Motion for Reconsideration, in which Plaintiffs argued that the Court should reconsider the portions of its Order granting Defendant's Motion with respect to unnamed third-parties and limiting discovery "to only the named Plaintiffs." ECF No. 47, PageID.3402.

3. On April 3, 2024, the Court issued an order requiring Defendant to respond to Plaintiffs' Motion for Reconsideration by April 19, 2024. ECF No. 53.

4. On April 19, 2024, Defendant filed its Response. ECF No. 54.

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<sup>1</sup> ECF No. 25, seeking to dismiss the Second Amended Class Action Complaint, ECF No. 22.

5. Upon review of Defendant's Response, Plaintiffs believe that it is imperative for the Court to be provided with further context responsive to Defendant's Response.

6. The Local Rules of the Eastern District of Michigan do not permit the filing of a response to a motion for reconsideration unless the court orders otherwise, let alone a reply brief. E.D. Mich. LR 7.1(h)(3).

7. Given the foregoing, Plaintiffs understand that leave of court should be sought prior to filing a reply brief here.

8. As such, Plaintiffs' file this Motion for Leave to File a Reply in Support of Plaintiffs' Motion for Reconsideration.

9. With the Court having required the filing of a response to Plaintiffs' Motion, it should likewise provide Plaintiffs, as the moving party, with the opportunity to file a reply brief responsive to Defendant's Response.

10. The proposed Reply addresses issues raised in Defendant's opposition brief and will be helpful to the Court in deciding the motion at issue.

11. The proposed Reply is attached hereto as Exhibit 1.

12. On May 13, 2024, counsel for Plaintiffs communicated with counsel for Defendant regarding concurrence in this motion. Defendant stated that it opposes the relief requested by way of this Motion.

WHEREFORE, Plaintiffs request that the Court grant Plaintiffs' Motion for leave to file the attached Reply in Support of Plaintiffs' Motion for Reconsideration.

Dated: May 13, 2024

Respectfully submitted,

/s/ E. Powell Miller

E. Powell Miller (P39487)  
THE MILLER LAW FIRM, P.C.  
950 W. University Drive, Suite 300  
Rochester, MI 48307  
Tel: 248-841-2200  
epm@millerlawpc.com

Joseph I. Marchese  
Philip L. Fraietta (P85228)  
BURSOR & FISHER, P.A.  
888 Seventh Avenue  
New York, New York 10019  
Tel: 646.837.7150  
jmarchese@bursor.com  
pfraietta@bursor.com

Frank S. Hedin  
Arun G. Ravindran  
HEDIN LLP  
1395 Brickell Avenue, Suite 1140  
Miami, Florida 33131  
Tel: 305.357.2107  
fhedin@hedinllp.com  
aravindran@hedinllp.com

*Counsel for Plaintiffs and the Putative Class*

**CERTIFICATE OF SERVICE**

I hereby certify that on May 13, 2024, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

E. Powell Miller (P39487)

**THE MILLER LAW FIRM, P.C.**

950 W. University Dr., Ste. 300

Rochester, MI 48307

Tel: (248) 841-2200

epm@millerlawpc.com